IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Crl. W.P. No. M-760 of 2007
Date of Decision:- 19.2.2009

Bikramjit Singh **Versus** **State of Punjab & Anr.**

Present:- Mr. S.S.Majithia, Advocate, for the petitioner.

Mr. R.S.Rawat, AAG, Punjab.

M.M.S.BEDI. (J) (Oral)

Since Kamalpreet Singh son of the petitioner is in custoy of respondent No.2 since long, it will not be proper to describe the custody is illegal because the petitioner has come to know about his custody with respondent No.2 now.

This petition is disposed of with liberty to the petitioner to seek the custody of the minor child as it is not deemed appropriate to consider whether the petitioner has got a preferential right of custody of the child viz-a-viz respondent No.2 or that it is not welfare of the child to live with respondent No.2. All these questions of fact are required to be determined by Guardian Judge. It will be open to Guardian Judge to grant the custody or interim custody. It will be appreciated in case the Guardian Judge will expediciously decide the custody of the minor child. Guardian Judge on appreciation of relevant material produced before him will be at liberty to order the custoy of the child to be delivered to the petitioner.

Disposed of.

February 19, 2009 (M.M.S.Bedi)
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